

**AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT**

I, Robert Rice, being duly sworn, hereby depose and state as follows:

1. I am a Special Agent with the Federal Bureau of Investigation ("FBI"). I have been employed by the FBI for approximately six years and assigned to the Boston Division since June of 2004. I am currently assigned to the Violent Crimes Task Force ("Task Force"), which comprises personnel from the FBI, the Massachusetts State Police, the Boston, Somerville, Saugus, and Malden Police Departments, and the Middlesex County Sheriff's Department.

2. I am aware that Title 18 of the United States Code, Section 2113(a), makes it a crime for anyone to use force and violence, or intimidation, to take money belonging to or in the care, custody, control, management, or possession of any federally insured bank. I am also aware that Title 18 of the United States Code, Section 2113(d), makes it a crime for anyone to assault any person, or put in jeopardy the life of any person by the use of a dangerous weapon or device, while in violation of Title 18 of the United States Code, Section 2113(a).

3. I submit this affidavit in support of an application for a criminal complaint charging Craig Sparks, DOB xx/xx/1981 ("Sparks"), and Benjamin Michaud, DOB xx/xx/1977, with a violation of 18 U.S.C. §§ 2113(a) and (d).

4. The facts stated herein are based on my personal involvement in this investigation, my review of police reports, and my discussions with other law enforcement officers involved in the investigation. In submitting this affidavit, I have not included each and every fact known to me about this investigation. Rather, I have submitted only those facts that I believe are sufficient to establish the requisite probable cause.

5. On January 4, 2010, at approximately 12:24 p.m., two white males robbed the

Bank of America ("Bank") located at 625 Moody Street, Waltham, Massachusetts. Both robbers entered the Bank wearing ski masks and dark-colored hooded sweatshirts and brandishing what appeared to be handguns. The robbers approached the victim tellers and demanded money. The robbers were provided with approximately \$10,676.00 in United States currency, after which the robbers fled the Bank. A witness outside of the Bank observed the robbers enter a red sport utility vehicle bearing Massachusetts registration 4205YN and flee the area. At the time the Bank was insured by the Federal Deposit Insurance Corporation.

6. On January 4, 2010, at approximately 12:15 p.m., FBI Special Agent Jason Costello and I initiated a surveillance on a black Chrysler Model 300 bearing Massachusetts registration 672AZ5 (the "Vehicle"), which was parked on the north side of Ash Street near the intersection of Ash Street and Crescent Street in Waltham, Massachusetts. The Vehicle is registered to Sparks's mother, Barbara Sparks, who has told investigators that, although the Vehicle is registered to her, Sparks is the person who uses it. The Vehicle had been located by means of a GPS device that previously was affixed to the undercarriage of the car at a time when it was on public property. Although nobody was in or near the Vehicle, the engine was running. The Vehicle was approximately two blocks away from the Bank, as Ash Street intersects Moody Street at approximately the 600 block of Moody Street. Additional members of the Task Force were moving into surveillance positions in the vicinity of Ash Street and Crescent Street at the same time surveillance was initiated on the Vehicle.

7. Approximately five to ten minutes after surveillance was initiated on the Vehicle, Special Agent Costello and I observed a red Jeep Cherokee bearing Massachusetts registration 4205YN drive past our surveillance position on Ash Street at a high rate of speed and pull into a

driveway across from the Vehicle. Two individuals wearing dark-colored, hooded sweatshirts got out of the red Jeep Cherokee, ran across the street, and entered and drove off in the Vehicle. One of the individuals was carrying a dark-colored bag. The red Jeep Cherokee proved to have a broken window, and its ignition had been "popped" such that the inner mechanism was exposed and the vehicle could be started with a screwdriver. Several minutes later the Task Force learned of the aforementioned bank robbery.

8. Investigators attempted to follow the Vehicle but lost the visual surveillance shortly after it departed Ash Street. Visual surveillance of the Vehicle was reacquired on Interstate 95 North in the vicinity of Route 4 and Route 225 in Lexington, Massachusetts. Shortly thereafter, a marked unit from the Massachusetts State Police ("MSP") initiated a vehicle stop of the Vehicle. Special Agent Costello and I were directly behind the MSP unit as it initiated the traffic stop. As the Vehicle entered the breakdown lane, the driver of the Vehicle slammed on the brakes and drove the Vehicle into a ditch along Interstate 95 North. Two white male subjects exited the vehicle and fled into the woods along Interstate 95. Special Agent Costello pursued one of the suspects and a State Trooper the other, but the suspects evaded immediate capture. A number of state, local, and federal law enforcement officers joined the search.

9. Sometime after 1:00 p.m., Detective Steve Garabedian of the Lexington Police Department stopped a car in which he had observed, in the front passenger seat, a white male appearing to match the description of a white male seen running through yards after the time the two white males had evaded us. The white male, among other things, had cuts and abrasions consistent with those a person who had recently been fleeing through a wooded area might have.

Among other things, Detective Garabedian requested that this male get out of the vehicle. This individual was identified as Michaud. On the floor of the car where Michaud had been sitting was a white plastic bag that proved to contain approximately \$9,284 in United States currency with money bands from the Bank. Michaud was arrested and, among other things, a search of his person revealed that, in his pockets, he had two black ski masks, a baseball cap, and seven white latex gloves. Video surveillance footage from the Bank depicts the robbers wearing what appear to be white latex gloves. Michaud was wearing mismatched footwear – a sneaker and a shoe – at the time of his arrest.

10. The driver of the car was approximately 80 years of age. He told investigators, among other things, that Michaud had come to the back door of his home and asked to use the phone, saying he had been involved in an accident and did not want the police involved. On the floor of the driver's home, near the back door that Michaud had entered, investigators found a \$1 bill. Based on the foregoing, there is probable cause to believe Michaud was one of the robbers.

11. In the woods in the area where the two individuals had fled, investigators found a total of \$1,381 in United States currency. In the same vicinity investigators also found a backpack containing clothing, including two hooded sweatshirts. The backpack also contained, among other things, sweatpants that had \$2 in United States currency in one of the pockets. An additional \$1 bill was found near the location along Interstate 95 North where the Vehicle was abandoned.

12. During a safety sweep of the Vehicle, Special Agent Rachael Boisselle observed items that appeared to be two handguns on the floor of the front passenger seat. These items were seized for safety purposes and identified as B-B guns. They are consistent in appearance

with the weapons used in the robbery of the Bank. The Vehicle, which had been abandoned in the ditch along Interstate 95 North, was towed to the FBI garage in Wilmington, Massachusetts. The Vehicle was searched pursuant to a warrant on January 19, 2010. Investigators found, among other things, a pair of black high-top sneakers that are consistent in appearance with the footwear worn by one of the robbers; a pair of white sneakers consistent in appearance with the footwear worn by the other robber; the "mates" for the sneaker and the shoe that Michaud was wearing when arrested; a cell phone with the battery removed; a knife; a dagger; two white latex gloves, turned inside-out, as if someone had been wearing them and had removed them; Michaud's Department of Correction identification card; and a screwdriver.

13. In the rear of Vehicle investigators also found, among other things, a brown jacket. Investigators found a wallet in the jacket that appears to belong to Craig Sparks. Specifically, although the wallet contains a Massachusetts driver's license for Sparks's girlfriend and a photographic identification card for a male other than Sparks, most of the other identifying materials in the wallet bear Sparks's name, including his Massachusetts driver's license; his Massachusetts learner's permit; his expired Massachusetts driver's license; his Social Security account number card; his Sovereign Bank card; and his MassHealth card. In addition, the wallet contains receipts for several MoneyGrams, including a receipt for a \$65 MoneyGram that was obtained on January 4, 2010, the day of the robbery. The receipt bears the handwritten notation, "Probation." Investigators have spoken to the state Probation Office in Worcester and have learned, among other things, that Sparks, who is on probation, had an appointment there the morning of January 4, 2010; that he arrived at approximately 9:21 a.m.; that he left at approximately 9:45 a.m.; that he was wearing a brown jacket; and that, while there, he did

provide payment to the Probation Office in the amount of \$65. A Probation Officer has looked at a photograph of the brown jacket seized from the Vehicle and indicated it is consistent in appearance with the jacket Sparks was wearing the day of the robbery. Given the inherent unlikelihood that somebody would intentionally leave his wallet behind in a car, it is likely that Sparks was the second robber and that he did not leave behind his jacket and wallet by choice but rather abandoned the jacket and wallet when he and Michaud fled from the Vehicle.

14. Investigators also have examined information from the GPS device that was affixed to the Vehicle. The GPS information indicates, among other things, that the Vehicle left the area near Sparks's Worcester apartment the morning of January 4, 2010; that it was in the vicinity of the Worcester Probation Office at the time of Sparks's appointment; that the Vehicle then traveled to Charlestown, Massachusetts, and moved around to various locations in Charlestown for approximately 30 minutes; and that the Vehicle then traveled to Waltham, ending up at the location where we encountered it and began our surveillance at around 12:15 p.m. The red Jeep Cherokee that we saw the robbers abandon a short while later proved to have been stolen in Charlestown. The screwdriver that was found during the search of the Vehicle is a tool that could have been used to "pop" the ignition and start the Jeep Cherokee.

15. We have learned from Sparks's biological father that his other children have told him that a person named "Benny" had been living with Sparks in Sparks's Worcester apartment in the weeks immediately preceding the robbery. I spoke yesterday with Sparks's mother, Barbara Sparks. Among other things I showed her a picture of Michaud and asked her to tell me who the photograph depicts. Ms. Sparks indicated that she recognized the person as a man she had met through Sparks named Benjamin. Sparks and Michaud thus have a relationship

that precedes the robbery.

16. The parents of Sparks's girlfriend have received telephone calls from her since the day of the robbery. Sparks's girlfriend told her mother on January 14, 2010, among other things, that Sparks had gotten himself into some trouble and that she and Sparks were going away for awhile. Sparks's girlfriend claimed they were in Mississippi. Sparks's girlfriend also called and spoke to her mother on January 17, 2010, telling her mother, among other things, that she and Sparks were fine and that she (the girlfriend) could not leave because she knew too much.

17. We learned from the Worcester Probation Office that Sparks missed an appointment there on January 20, 2010.

17. Based on the information contained in the foregoing paragraphs, there is probable cause to believe that, on or about January 4, 2010, Craig Sparks and Benjamin Michaud committed armed bank robbery, in violation of 18 U.S.C. §§ 2113(a) and (d).



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ROBERT RICE  
Special Agent, FBI

Subscribed and sworn to before me this 22nd day of January, 2010.



MARIANNE B. BOWLER  
United States Magistrate Judge